

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

COCP No.951 of 2005

Date of decision: November 6, 2006.

Jagdish Mittar

...**Petitioner(s)**

v.

Piara Singh

...**Respondent(s)**

Present: Shri B.R. Mahajan, Advocate for the petitioner.

Shri Rajinder Sharma, Advocate for the respondent.

Surya Kant, J. (Oral)

This contempt petition has been filed alleging, *inter-alia*, that in total disregard to the order dated March 4, 2004 passed by this Court in RSA No.4311 of 2002 (Annexure P-3), the petitioner and his co-appellants in the above said appeal, have been forcibly dispossessed from the subject property on 3.5.2004 by the respondent.

In response to the show cause notice, the respondent has filed an affidavit dated 28.9.2006 and in para 10 thereof, the following stand has been taken by him:-

“10. That the contents of this para are wrong and denied. The deponent id not dispossess the petitioner and occupied the land in dispute on 3.5.2004 and even thereafter. It is denied for want of knowledge that the petitioner made any complaint to the police. Hence, the petitioner has not violated any

directions/orders of this Hon'ble Court.”

In para 13 of the affidavit also, the respondent has reiterated that he has never dispossessed the petitioner who is still occupying the land.

In view of the above stated stand taken by the respondent, it is apparent that the possession of the petitioner and his co-appellants over the subject property is admitted by the respondent who has further deposed that he does not intend at all to dispossess the petitioner.

This petition is accordingly disposed of with a clarificatory direction that the petitioner and his co-appellants shall continue to enjoy the subject property till the order dated March 4, 2004 passed by this Court in RSA No.4311 of 2002 is modified/varied/vacated and/or the said appeal is decided on merits.

Disposed of.

Rule discharged.

November 6, 2006.
kadyan

[**Surya Kant**]
Judge